

**Remarks of Justice Carlos R. Moreno  
Legal Services for Children Awards Luncheon  
San Francisco, California  
February 23, 2007**

Thank you. It is with gratitude and great respect that I accept this award from Legal Services for Children. I know the good work this agency does, and I am humbled by your recognition of me and my work.

Legal Services for Children honors the children in our state by helping them when they need help the most. Many of you here today from the private bar honor these children with your pro bono work. I share your dedication to making sure every child grows up to realize his or her full potential. You are truly on the front lines of change for young people.

I would like to use my remarks today to tell you about another effort on the front lines, the California Blue Ribbon Commission on Children in Foster Care. *[Pause to introduce any commissioners who are present]* ..... It is also my special pleasure to recognize commissioners and staff who are with us today.....Diane Nunn, commissioner and Director of the Center for Families, Children and the Courts at the Administrative Office of the Courts; Chris Wu, Executive Director of the Blue Ribbon Commission.....]

The commission is a two-year effort launched last March by Chief Justice Ronald M. George, whom you honored last year for his commitment and efforts to help the courts better serve children and families in California. At about the same time as this luncheon last year, the Chief Justice appointed a high-level group of individuals to serve on the Blue Ribbon Commission that I am chairing. Our focus is foster care.

As many of you know, the courts share legal responsibility for foster children with child welfare and other agencies across the state that work with vulnerable families. Together, we have one overarching belief: all children need safe, permanent families to love, nurture, protect and guide them as they grow up.

When the state must remove a child from his or her home because of abuse or neglect, the state essentially functions as the “parent” until such time as the child can safely return home or find another permanent home.

As the commission undertakes its work, I believe it is critical that we ask ourselves some fundamental questions:

How good a parent *is* the state for these children? Are we providing for them the way we would our own children? Are the decisions about their well-being based upon all the relevant information about the particular needs—and wishes—of each child?

My answer to these questions is: We could do better. We *must* do better. But our current system is too often over-stressed and under-resourced.

In California, we have nearly 80,000 children living in foster care. The media sensationalizes extreme cases of abuse, but those of us who work with these families know that by far the greatest majority of these children suffer from neglect. And most will be reunited with their families. But far too many languish in a foster care limbo, sometimes moving from placement to placement while waiting for permanent homes or reunification with their own parents.

Every child who enters or leaves foster care must come before a dependency court judge. Yet our courts are understaffed and burdened by overcrowded dockets and high caseloads. This means hearings may sometimes be rushed or subject to delays or continuances.

Every child is assigned legal counsel, but high caseloads mean they and their parents may not be routinely involved in decisions that affect the most significant details of their lives: where the children will live, grow up, and go to school. Foster youth sometimes do not even meet their attorneys until the day of their hearing.

Communication between the courts, child welfare, and other family-serving agencies is often insufficient. Our dependency court judges frequently do not receive adequate information to make timely and appropriate decisions based on the needs of each child and family.

All of these issues jeopardize the kind of thoughtful review we know is so important to give young lives a positive future.

But there is good news. With state and federal leadership in recent years, we are making progress in California. The number of children in foster care is down nearly 20 percent over the last five or six years. A new child welfare outcomes and accountability system is now in place, providing counties with quarterly data reports and helping them to monitor their progress. This data is now available to the public on a state website and has helped to usher in a new spirit of transparency and shared responsibility for supporting children and families. Courts are stepping forward to play a collaborative role in addressing foster care issues, developing ways to measure court performance and establish attorney caseload standards. The Judicial Council and the Administrative Office of the Courts are partnering with 10 volunteer courts to identify and implement attorney caseload standards and to improve representation for children and parents. And last year, the Legislature and Governor provided some long overdue funding to begin to address social worker caseloads across the state.

Yes, there is progress. And, yes, there is such a distance to go. The system can—and must—work better. Our children pay too high a price when we do not serve them well. We pay too high a price. Those of you who work with kids in foster care, homeless

teens, or students on the brink of expulsion from school know exactly what I'm talking about.

This is why we need reform. This is why we need a Blue Ribbon Commission that focuses on the courts and our role in child welfare.

Let me tell you why I personally am so passionate about this issue.

I am a foster parent of a child with special needs. My wife and I are relative caregivers for our 10-year-old niece, who was removed at age 5 from her mentally ill mother's home in New Jersey. The issue was neglect. She was suffering from dehydration and malnutrition. When she was placed in the hospital, she was belatedly diagnosed as autistic and developmentally delayed. She was completely lacking in life skills on things as simple as chewing food. At 5, she was still using a bottle.

My wife and I have struggled over the past five years, dealing with the New Jersey system and local service providers here in California to address the overwhelming needs of this little girl. We have participated in termination proceedings, bonding evaluations, home studies, hearings, mediation proceedings, and more.

Even for someone like me—and I *am* pretty familiar with the legal system—it can be very difficult, if not downright intimidating, to maneuver the many arms of the system to get the services and support that are needed.

My case is just one story that shows why we need a Blue Ribbon Commission. I believe California has reached a special moment in time, a chance to build on the momentum for reform that has already begun in the legislative and executive branches of government – reforms that in some cases are already bearing fruit at the local level and are evidenced by promising new practices, new ways of working with community partners, new ways of collaborating to help vulnerable children and families.

The commission is charged us with making politically viable recommendations to the Judicial Council on how the courts can improve safety, permanency, well-being, and fairness for children in care. We have until the spring of 2008 to do our job, and we will include an implementation plan with our recommendations.

The commission is made up of 42 talented and experienced members. We are judges and private lawyers, legislators and county child welfare directors, advocates and community leaders, academics and state civil servants, philanthropists and tribal leaders. We come to the table with a shared interest in collaboration, leadership, transparency, and accountability. We all want to do better by our children.

We are focusing on three main areas of reform:

The first is court performance and accountability. We are looking at caseload issues, training, and better ways to measure progress. We want to hold ourselves accountable

by establishing court indicators to measure safety, permanence, and well-being. We also aim to build in better procedures for involving families and children in the decisions that affect their lives. We want all youth to meet with their counsel before their hearings and to understand the procedures and process of their own story.

The scope of the commission's work focuses on the courts. But the courts, of course, do not operate in isolation. We know we cannot improve child welfare outcomes if we do not examine how the courts interact with the rest of the system. This is why the commission's membership is so broadly based.

Thus, the second critical area for the commission is to find better ways to collaborate with child welfare and other agencies and to do a better job of sharing information with each other.

Families with children in the foster care system are often involved with more than one agency at a time— mental health, for example, or special education, substance abuse, domestic violence, or juvenile justice. Parents sometimes receive different or contradictory directions from multiple caseworkers. And large bureaucracies often find it exceedingly challenging to communicate effectively with each other and with the courts. We all have our own jargon, our own data sets, our own rules and regulations.

The commission wants to paint a different picture, one where all the agencies can pull together, in the same direction, for these families.

Coordinating the efforts of large bureaucracies is an enormous task. Sharing information, making sure that child welfare caseloads are reasonable, and finding strategies to reduce the need for foster care placements or length of time spent out of the home—these are all urgent issues we must work on *together* if we are to do a better job for children and families in the system. To help make this possible, we hope to launch a permanent collaborative framework in each of the state's 58 counties to support ongoing efforts at the local level.

The third area of focus for our work is money. We are looking at how the system is funded, where the funds come from, and how they are used. Currently, California spends some \$4.7 billion a year on child welfare and related court costs, half of it coming from the federal government, the other half from state and county funds.

A majority of these funds are locked by the federal government into paying for foster care services—*after* a child is removed from the home. What if we were able to use that money more flexibly to fund services that families need when they need them? What if there were funding enough so that families got help early on, *before* a crisis that leads to removal of a child?

As some of you may know, the Pew Commission on Foster Care in 2004 advocated for flexible funding as well as other recommendations for reforming the federal government's expenditure of foster care funds. I note that Bill Vickrey, the

Administrative Director of the California Courts, was an active member of the Pew Commission, and we are indebted to him for his commitment to these issues. Our Blue Ribbon Commission is examining these recommendations, some of which could be implemented immediately, such as: extending adoption assistance to all children, funding guardianship assistance, providing incentives for achieving permanency, and bonuses for reducing caseloads. A focus on funding is a key part of the commission's charge and will include a hard look at the issue of adequate funding as well.

In summary, these are our tasks. I know you here today share my commitment to the young people in our foster care system, and I invite you to follow our progress in the year ahead.

We will be coming back to you – and to others like you – all across the state with our recommendations in just a year's time. Clearly, momentum is building throughout California. The courts, child welfare, and other agencies are ready to do business differently. We hope you will lend your voice, too, to this growing call for reform. Our foster children are counting on it.

Thank you very much. And thank you again for this award today, and for you all that you are doing for Legal Services for Children.

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